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Report of the International Criminal Court

Information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 11 of General Assembly resolution 67/295 of 22 August 2013, by which the Assembly requested the Secretary-General to continue to include information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court in a report to be submitted to the General Assembly at its sixty-eighth session.

* A/68/150.

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1. Article 3 of the Relationship Agreement between the United Nations and the International Criminal Court provides as follows: "The United Nations and the Court agree that, with a view to facilitating the effective discharge of their respective responsibilities, they shall cooperate closely, whenever appropriate, with each other and consult each other on matters of mutual interest pursuant to the provisions of the present Agreement and in conformity with the respective provisions of the Charter and the Statute."

2. During the period from 1 July 2012 to 30 June 2013, the United Nations cooperated extensively with the Court pursuant to the provisions of the Relationship Agreement.

3. In the field of institutional relations, addressed in chapter II of the Relationship Agreement, the United Nations has provided to the Court a range of services and facilities, including reimbursable loans; satellite communications services; payroll costs for staff assigned to work exclusively on matters pertaining to the Court; access to the United Nations System Electronic Information Acquisitions Consortium; field security services; air and ground transportation services for Court personnel and equipment; provision of laissez-passer and certificates; conference services in relation to the sessions of the Chief Executives Board for Coordination Human Resources Network for the period 2011-2012; training services, including access to language proficiency examinations for Court staff members. These services were all provided on a reimbursable basis in accordance with the Relationship Agreement and General Assembly resolution 58/318.

4. In the field of cooperation and judicial assistance, which is addressed in chapter III of the Agreement, the Organization has provided extensive assistance to the Court in the period under review, particularly in the form of extensive access to the Organization's records and archives and the making available of a number of United Nations personnel for interview by the prosecution in connection with certain situations before the Court and with certain situations under preliminary examination by the Prosecutor. No requests for testimony by United Nations personnel were received during the reporting period. A Court-wide memorandum of understanding for cooperation between the United Nations Operation in Côte d'Ivoire (UNOCI) and the Court, which supersedes the previous memorandum of understanding for cooperation between UNOCI and the Prosecutor, was concluded and signed on 12 June 2013. During the reporting period the Secretary-General transmitted to the Security Council the decision of Pre-Trial Chamber II, of 26 March 2013, on the non-compliance of the Republic of Chad with the cooperation requests issued by the Court regarding the arrest and surrender of Omer Hassan Ahmad al-Bashir.

5. In addition to cooperation extended by the United Nations to the Court pursuant to the provisions of the Relationship Agreement, the United Nations makes every effort to refrain from any actions that would frustrate the activities of the Court and its various organs, including the Prosecutor, or undermine the authority of their decisions. In this regard, the Secretary-General has issued guidelines on contacts between United Nations personnel and persons who are the subject of arrest warrants or summonses issued by the Court (see A/67/828-S/2013/210). The guidelines reiterate the Organization's policy that contacts with persons who are the subject of arrest warrants issued by the Court should be limited to those that are

strictly necessary for the performance of essential United Nations-mandated tasks. Furthermore the United Nations has developed a practice of informing the Prosecutor and the President of the Assembly of States Parties to the Rome Statute beforehand of any meetings with persons who are the subject of arrest warrants issued by the Court that are considered necessary for the performance of United Nations-mandated tasks. The Legal Counsel informed the Prosecutor and the President of the Assembly of States Parties on two occasions when principals were meeting with individuals who were the subject of arrest warrants in relation to the situation in Darfur.